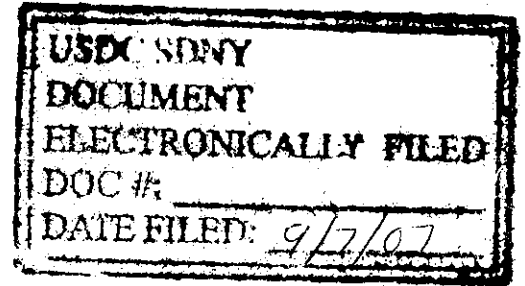


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
WEBPRO, INC., :

Plaintiff, :

-against- :

JILL SCHNEIDER PETROU
& ARTHUR PETROU, :

Defendant. :

07 Civ. 4699 (LMM) (AJP)

ORDER

----- X
ANDREW J. PECK, United States Magistrate Judge:

Pursuant to the attached letter, the Court's Order of Dismissal of earlier today is modified to reflect that the dismissal is without prejudice.

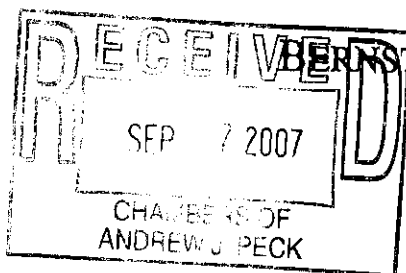
SO ORDERED.

Dated: New York, New York
September 7, 2007



Andrew J. Peck
United States Magistrate Judge

Copies **by fax & ECF** to: Roger J. Bernstein, Esq.
Howard B. Prossnitz, Esq.
Sandra E. Mayerson, Esq.
Martha J. Brosius, Esq.
Judge Lawrence M. McKenna



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September 7, 2007

The Hon. Andrew J. Peck (*By telecopier*)
United States District Court for the
Southern District of New York
500 Pearl Street, Room 1370
New York, NY 10007

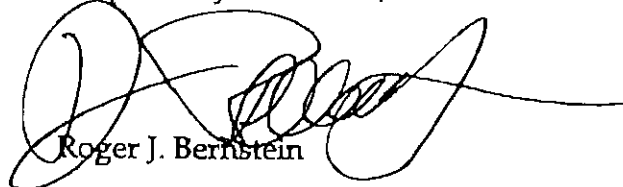
Re: Webpro, Inc. v. Petrou
07 Civ. 4699 (LMM)

Dear Magistrate-Judge Peck:

This is to advise the Court that the parties' oral settlement agreement specifically contemplates a dismissal of this case without prejudice. Neither defendant has answered the complaint, and defense counsel has agreed that dismissal without prejudice is required to preserve all of plaintiff's remedies in the event of non-compliance with the settlement agreement. I regret that this agreement was not spelled out in defense counsel's letter to your Honor today, so of course there was no way to know what had been consented to when the Court prepared its consent-dismissal order this evening.

Accordingly, this is to request that the Court either modify its consent-dismissal order of today's date to specify that the dismissal be without prejudice, or restore the previously scheduled conference on September 10, 2007 at 11:00 a.m. so that this subject can be addressed.

Respectfully submitted,



Roger J. Bernstein

cc. Sandra Meyerson, Esq. (By fax)
Martha Brosius, Esq. (By fax)